

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION

IN RE:)
)
FRANK EDWARD BRUMMETT and) CASE NO. 05-68690 JPK
SUSAN BRUMMETT,) Chapter 13
)
Debtors.)

ORDER CONCERNING AGREED MATERIAL
MODIFICATION OF PLAN POST-CONFIRMATION
AND ORDER AND NOTICE ("AGREED MODIFICATION")

The Agreed Modification was filed as record entry #210 on August 21, 2012. The format of the Agreed Modification is totally inappropriate. The document submitted apparently seeks to combine notice pursuant to N.D.Ind.L.B.R. B-2002-2(a)(12) with a statement of the proposed modification. However, the format utilized provides an order of the court to "fill in" the "drop dead" date, with the court then in essence issuing the Rule 2002-2(a)(12) notice. Moreover, 11 U.S.C. § 1329(a)'s provision that a post-confirmation modification requires a "request" necessitates the use of a motion pursuant to Fed.R.Bankr.P. 9014 for a modification. The proper format for submission of what the court perceives to have been attempted by the Agreed Modification is to file a motion pursuant to 11 U.S.C. § 1329(a), to which is attached the proposed modification in the form of an amended plan, with clear delineation in the amended plan of the provisions of the confirmed plan which are proposed to be modified. That motion is then to be noticed out to all creditors and parties-in-interest pursuant to N.D.Ind.L.B.R. B-2002-2(a)(12), on a 21-day notice. A form of order approving the proposed modification should also be submitted.

IT IS ORDERED that the Agreed Modification presents nothing to the court, and that no action will be taken on it.

Dated at Hammond, Indiana on September 7, 2012.

/s/ J. Philip Klingeberger
J. Philip Klingeberger, Judge
United States Bankruptcy Court

Distribution:
Debtors, Attorney for Debtors, Trustee, US Trustee